

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL MOHAMMED SALAMI,

Plaintiff,

Civil Case No. 17-12587
Honorable Linda V. Parker

v.

LT. ROLLO, SGT. CHONICKI, and
UNKNOWN SEGREGATION DEPUTY,

Defendants.

**OPINION AND ORDER GRANTING PLAINTIFF'S MOTION TO
VOLUNTARILY DISMISS COMPLAINT WITH PREJUDICE AND
DENYING AS MOOT DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**

Plaintiff commenced this pro se civil rights lawsuit against Defendants on August 4, 2017, alleging that Defendants were deliberately indifferent to threats to his safety from another inmate, Dezhon Johnson, and failed to protect Plaintiff from Johnson's subsequent physical assault. Defendants filed a motion for summary judgment on May 25, 2018. (ECF No. 79.) On June 4, 2018, Plaintiff filed a motion to voluntarily dismiss the case with prejudice. (ECF No. 80.) Defendants' concur in the dismissal. (ECF No. 81.)

After the opposing party has served an answer or a motion for summary judgment, "an action may be dismissed at the plaintiff's request only by court order, on terms that the court considers proper." Fed. R. Civ. P. 41(a)(2).

Ordinarily, a dismissal under Rule 41(a)(2) is without prejudice. *Id.* Here, however, Plaintiff asks that the dismissal be with prejudice. (ECF No. 80.)

Accordingly,

IT IS ORDERED that Plaintiff's motion to dismiss is **GRANTED** and his Complaint is **DISMISSED** with prejudice and without costs;

IT IS FURTHER ORDERED that Defendants' motion for summary judgment is **DENIED AS MOOT**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: June 5, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, June 5, 2018, by electronic and/or U.S. First Class mail.

s/ R. Lory
Case Manager